



1648

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Leslie S. Johnson

Serial No: 09/848,390 Art Unit: 1648

Filed: 3 May 2001 Examiner: Shanon A. Foley

TITLE: COMBINATION THERAPY OF RESPIRATORY DISEASES USING
ANTIBODIES

DOCKET: 469201-539

3 November 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

In response to the Restriction Notice, dated 3 October 2003, Applicant herewith files the following:

1. Election of Invention;
2. Return Postcard.

No fee is believed due for filing this response. If any fee is due, or any additional fee is due, the Commissioner is authorized to charge any and all such fees to Deposit Account No. 03-0678.

Serial No: 09/848,390

Filed: 3 May 2001

FIRST CLASS CERTIFICATE

I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail in an envelope addressed to:

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Alan J. Grant 11/3/03
Alan J. Grant, Esq. Date

Respectfully submitted,

Alan J. Grant

Alan J. Grant, Esq.
Reg. No. 33,389

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Examining Operations

Applicant(s): Leslie S. Johnson

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ELECTION OF INVENTION

Sir:

In response to the Restriction Notice dated 3 October 2003, Applicant hereby elects the invention of Group I (claims 1-20 and 27) drawn to a composition comprising at least one microbial antibody and at least one anti-microbial agent with traverse.

Applicant believes that the claims should be joined with those of Group II because they are directed to methods of using the compositions of Group I and thus any search of such uses would necessarily find compositions of Group I with no additional search being required.

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In addition, Applicants elect the combination of an anti-viral antibody and anti-viral agent. This would encompass all dependent claims except 17, 18 and 19. As to number, claim 1 uses the term "comprising" so that the claimed composition would contain at least one such antibody and at least one such agent. However, claim 15 recites that the agent may also be an antibody so that the composition might contain two antibodies with no other agent. Applicant notes that claim 27 recites the antibody designated MEDI-493, which is useful as an antiviral agent.

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